

DELEGATION OF AUTHORITY

DATE: 8-15-2017

CLEAN AIR ACT

7-38. Prevention of Significant Deterioration: Administrative Enforcement

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authority contained in Delegation 7-38 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Clean Air Act (CAA), to issue orders, pursuant to Sections 113(a)(5) and 167 to prevent construction or modification of a major emitting facility that does not conform to the requirements of Part C, Title I of CAA or that is proposed for construction or modification in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and that is not subject to an implementation plan that meets the requirements of Part C, Title I.

2. TO WHOM REDELEGATED. The Director, Office of Environmental Stewardship (OES).

3. REDELEGATION AUTHORITY.

A. This authority may be redelegated to the Branch Chief level or equivalent, and no further.

B. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. The Director, OES, or his/her designee, must consult with the Regional Administrator (RA) and the Assistant Administrator (AA) for Enforcement and Compliance Assurance (OECA) before exercising the above authority.

B. The RA and the AA for OECA may waive, in writing, consultation requirements.

C. The Director, OES, or his/her designee, must obtain the advance concurrence of the Manager, Legal Enforcement Office, OES, or his/her designee, on the legal sufficiency of the action before exercising this authority. The Manager, Legal Enforcement Office, OES, or his/her designee, may waive concurrence in writing.

D. The Manager, Legal Enforcement Office, OES, or his/her designee, shall consult with the Regional Counsel, or his/her designee, on significant counseling issues.

E. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS NO. 1200
DELEGATION NO. 7-38

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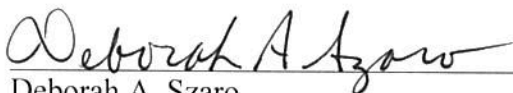
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F. The AA for OECA may exercise this authority in multiregional cases or cases of national significance.

G. The AA for OECA must notify any affected RA before exercising this authority.

5. ADDITIONAL REFERENCES. Injunctive relief is covered by the Chapter 7 delegations entitled *Civil Judicial Enforcement Actions* and *Emergency Temporary Restraining Orders*.

6. SUPERSESSON. Region 1 Delegation 7-38, dated November 6, 2000.



Deborah A. Szaro
Acting Regional Administrator

8/15/17
Date